

FEB 19 2008

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

WILLIAM BARKS,

Plaintiff - Appellant,

v.

JACKIE CRAWFORD; JOHN  
DOUGLAS; JOHN DREW; PAUL  
PABON; BRIAN SANCHEZ; ROBERT  
WIDEMAN,

Defendants - Appellees.

No. 06-15670

D.C. No. CV-01-00585-ECR

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Nevada  
Edward C. Reed, District Judge, Presiding

Submitted February 12, 2008<sup>\*</sup>  
San Francisco, California

Before: D.W. NELSON, KLEINFELD, and HAWKINS, Circuit Judges.

William Barks' ("Barks") complaint appears to state only a claim that Nevada Department of Corrections ("NDOC") Director Crawford conspired to deprive him

---

<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

of his *procedural* due process rights by attempting to force him to resign. However, the sole issue he raises on appeal is the reasonableness of his detention and arrest by agents Crawford employed to investigate an allegation of impropriety at NDOC, where Barks was employed. Even assuming his complaint actually presents a substantive Fourth Amendment cause of action, the employment-context questioning by investigators did not rise to the level of an unlawful arrest or detention, see Aguilera v. Baca, 510 F.3d 1161 (9th Cir. 2007), and he does not dispute the validity of the arrest for writing a bad check.

Finally, even if the actions by the investigators were somehow unlawful, Barks has already settled and dismissed his suit against them. Therefore, he must establish a genuine issue of fact regarding *Crawford's* involvement in or knowledge of the manner of the interrogation, and this he has not done. See Barren v. Harrington, 152 F.3d 1193, 1194 (9th Cir. 1998) (“A plaintiff must allege facts, not simply conclusions, that show that an individual was personally involved in the deprivation of his civil rights.”); see also Motley v. Parks, 432 F.3d 1072, 1081 (9th Cir. 2005) (supervisor may be liable under § 1983 if she sets in motion a series of acts which she knew or should have known would cause constitutional injury, but absent some indication that investigation is inadequate or incompetent, supervisor has no obligation to follow up on a subordinate’s investigation).

**AFFIRMED.**